

**PERSONNEL, LEGISLATIVE AND PUBLIC AFFAIRS
SUBCOMMITTEE MEETING**

July 10, 2007

7:30 p.m.

AGENDA

Personnel, Legislative and Public Affairs Subcommittee:

John Schwope, Chairperson
Fred Conley, Vice Chairperson
Dick Connealy
Rick Kolowski
Rich Tesar

Alternate Members: Tim Fowler
David Klug

Staff Liaison: Emmett Egr
Christine Jacobsen

1. Meeting Called to Order – Vice-Chairperson Fred Conley
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson John Schwope
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on Legislative Representative Contract Renewal – John Winkler
7. Review and Recommendation on P-MRNRD Vehicle Use Policy – John Winkler
8. Adjourn

Memorandum

To: Personnel, Legislative and Public Affairs Subcommittee

From: John Winkler, General Manager

Date: July 2, 2007

Re: Legislative Representative Contract Renewal

The current six month contract between the Pappio Missouri River NRD and American Communications Group, Inc. expired on June 30, 2007. American Communications Group, Inc. proposes to enter into an annual contract with the District beginning July 1, 2007 thru June 30, 2008 for a proposed retainer fee of \$42,000, with equal quarterly payments of \$10,500.00.

Per the attached cover letter ACG, Inc. would continue furnishing intergovernmental representation and professional lobbying services to the District with respect to legislative matters of interest before the Nebraska Unicameral for the period of the proposed contract.

ACG, Inc. has provided intergovernmental representation and professional lobbying services to the District for over fifteen (15) years now.

As presented to the Board of Directors at the beginning of the last legislative session, the overall strategy for the presentation and ultimate passage of the General Obligation Bonding bill was going to be treated as a two year approval process. The proposed contract would take the District into the second year of this two year cycle.

Management recommends that the subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed contract with American Communications Group, Inc. for the provision of intergovernmental and professional lobbying services per the terms and conditions outlined.

MEMORANDUM

TO: Personnel, Legislative and Public Affairs Committee

FROM: John Winkler, General Manager

SUBJECT: District Vehicle Use

DATE: July 2, 2007

Per instructions from the Board of Directors I was assigned the task of reviewing employee use of District vehicles. From reviewing past documentation and discussion with various employees and Board members it became very clear that this issue has been under discussion for quite some time. In addition, this issue has caused some controversy, although not overt, within the District.

Attached you will find the following memos which outline the District vehicle use past and present, as well as, outlines other entities vehicle usage policies:

1. Memo dated September 6, 2006-Public Agency Vehicle Use
2. Memo dated February 14, 2007-District Vehicle Use Explanation
3. Current Vehicle Use Pay Adjustments

Past

In discussion with staff it appears that some employee(s) where hired with the understanding that the vehicle use for commuting was part of the employment terms. Consequently, this benefit would constitute part of the employees pay/benefit package, similar to health insurance, vacation/sick leave, holidays etc. In some cases the vehicle use benefit was a reason the employee chose to go to work for the NRD when compared with competing job offers at the time of hire.

In addition, it appears that in the past vehicle use may have been used as an incentive tool to reward job performance in lieu of a salary grade increase. Therefore, if vehicle use was to cease or be modified this could be viewed as a pay cut of whatever the value of the vehicle use is by the effected employee and violate a verbal understanding between the District and the employee.

In discussion with employees it appears that vehicle use for commuting has caused some discontent among employees although it doesn't appear to have affected anyone's job performance or personal working relationship.

Present

Currently twelve (12) District vehicles are utilized for commuting by employees; **no personal use** is allowed at this time. Two (2) of these vehicles utilized by Randy Lee and Jerry Herbster are confined to NRD Recreation areas respectively and are utilized solely for the operation of these areas and are kept on site at park residences. The vehicle at Walnut Creek Recreation area (Randy Lee) will not be assigned for commuting use after the park is transferred to the City of Papillion on October 1, 2007.

Three (3) vehicles have been purchased by the Rural Water Systems, although still owned by the District (Olerich, Hummel, Thieman) and are utilized for rapid emergency response to address water

main breaks on a 24/7 basis. One (1) vehicle (Dick Sklenar) is also utilized for Rural Water emergencies in addition to after hours or early morning meetings etc.

The six (6) remaining assigned vehicles are utilized by personnel to respond to flood emergencies, attend late night or early morning meetings and/or part of their employment contract/agreement with the District.

An item of interest is the 2007 Emergency Operation Manual does not indicate specifically if emergency responders should report to the office first or to an assigned location in the District in the event of a flood emergency.

Recommendation

There exists as many recommendations/options as there does District vehicles. Per the above summary if commuting is the main issue the District is concerned about then my recommendation only focuses on six (6) vehicles. The two (2) vehicles associated with the NRD recreation areas and four (4) vehicles associated with the Rural water districts must be available on a 24/7 basis with assigned personnel.

Notwithstanding any past verbal employment agreements or current contracts, I cannot completely justify utilizing the remaining six (6) vehicles for employee commuting purposes. Although these employees are engaged in a number of late and/or early meetings and are assigned emergency response duties due to flooding issues, simple scheduling and planning can be utilized to cover the transportation needs for these events.

For example, if an employee knows they will be attending a late night or early morning meeting that employee may take their assigned vehicle home with them on that particular day. In addition, if threatening weather and or conditions prevail that may trigger an emergency event then those assigned employees may utilize their assigned vehicles to commute to work from home until conditions return to a normal pattern or emergency operation procedures could be modified to require emergency responders to report to the office before heading out into the field.

Currently, those employees who utilize District vehicles pay the IRS mandated rate of 3.00 per day for the benefit of commuting with a District supplied vehicle.

In conclusion, in all of my conversations with staff it became rapidly apparent that the use of a District vehicle is a great benefit that is very much appreciated by the employee. In addition, the use of a vehicle for commuting purposes was considered as valuable of a benefit as any other the District offers.

Options

1. No District vehicles are to be utilized for commuting purposes unless assigned personnel are responsible for responding to emergency events on a 24/7 basis.
2. Employees who utilize a vehicle for commuting purposes have the option to utilize a personal vehicle for commuting purposes or can continue to utilize a District vehicle for commuting only after agreeing to reimburse the District a fair and equitable deduction from the employees pay. The employee would sign an agreement with the District to have funds withheld from their bi-weekly pay checks. In addition, for those employees who continue to utilize a District vehicle for commuting purposes, this expense will be reviewed annually during their performance appraisal process and adjusted appropriately to reflect actual costs to the District for this benefit.

Note: The proposed deduction from the employees pay will be based on actual vehicle expenses (fuel, oil, maintenance, and insurance) times the percentage of vehicle usage for commuting purposes (est. 20-25%) divided over a twelve month period. It is anticipated those employee who exercise this option will likely pay 80-100 per month to the District to utilize a vehicle for commuting purposes.

Therefore, the General Manager recommends that the subcommittee recommend to the full Board of Directors the following recommendations on District vehicle usage:

- 1. Option 2 be adopted to address the six (6) vehicles that are being utilized for commuting purposes which are not required to respond to an emergency event on a 24/7 basis.**
- 2. All employees utilize a District vehicle, when available, for attending District related functions and or conducting work related duties. Personal vehicle use should be discouraged for conducting District business unless no other transportation is available to the employee.**
- 3. Vehicles should be eliminated through attrition whenever feasible.**
- 4. Assigned vehicle usage should no longer be utilized in lieu of pay or as a reward for performance.**
- 5. If the Board of Directors so desires to modify the existing vehicle use policy that the General Manager is required to follow the adopted policy and the existing contract be amended as necessary.**